



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

July 6, 2011

Colonel Steven J. Roemhildt
District Engineer
US Army Corps of Engineers, Mobile District
Attn: Velma Diaz
Post Office Box 2288
Mobile, Alabama 36628

Subject: Public Notice FP11-BT01-17, Dredging in Tombigbee River, US Army Corps of Engineers

Dear Colonel Roemhildt:

The U.S. Environmental Protection Agency, Region 4, has reviewed Public Notice (PN) number FP11-BT01-17 dated June 6, 2011. The proposed work would involve dredging of a portion of the Tombigbee River—a Traditionally Navigable Water and Aquatic Resource of National Importance (ARNI)—and within-banks disposal of dredged material at river miles 62.1-62.9 and 63.1-63.9. The EPA is concerned that project plans do not include sediment evaluation required by the Section 404(b)(1) Guidelines (testing procedures are outlined in *Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. - Testing Manual* - "Inland Testing Manual"), and that the project does not comply with the Clean Water Act (CWA) due to the potential for mobilizing sediment-associated pollutants that may be present due to releases from two nearby Superfund sites on the National Priority List.

From project information received to date, it is the EPA's understanding that no characterization or testing is planned for the sediments proposed for dredging. However, 40 CFR Part 230.60 and 230.61 provide the basis for certain factual determinations with regard to dredged material discharge activities. Section 230.60 provides for a general evaluation of the material and establishes a framework to determine, based on existing information on the proposed dredging and discharge sites, whether the material at issue requires further testing. This general evaluation must be documented in writing. If the conditions at 230.60 cannot be met or are not applicable, the testing requirements of Section 230.61 must be applied. Such testing and documentation provides the information to reach the factual determinations required by 40 CFR Part 230.11.

In addition, 40 CFR Part 230.10(b) specifies that no discharge may be authorized if it causes or contributes to violations of any applicable State water quality standard or violates any applicable toxic effluent standard; Section 230.10(c) further prohibits discharges that would cause or contribute to significant degradation of the waters of the United States.

Two Superfund sites in the immediate vicinity—Ciba-Geigy Corporation's McIntosh Plant and Olin Corporation's McIntosh Plant—have involved releases of contaminants of concern into wetlands along the floodplain of the Tombigbee River. It is possible that contaminants may have been mobilized into the portion of the river currently proposed for maintenance dredging; the EPA recommends testing the sediments at issue for pollutants that may have been released from either site. Contaminants associated with the sites include dichlorodiphenyl-trichloroethane (DDT) and DDT-related products dichlorodiphenyldichloroethane (DDD) and dichlorodiphenyldichloroethylene (DDE) (DDT residues);

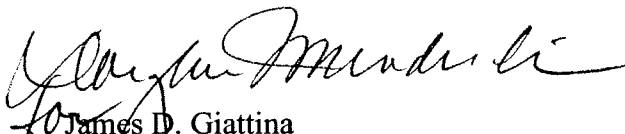
hexachlorocyclohexane, formally known as benzene hexachloride (BHC), and its isomers alpha, beta, delta and gamma BHC; chlorobenzenes; and mercury.

The Inland Testing Manual details the testing procedures outlined in 40 CFR §§ 230.60 and 230.61. Initial characterization of the material should include grain size analysis, total solids, and specific gravity. Chemical characterization should include total organic carbon, metals, including mercury, pesticides, and chlorinated benzenes. The EPA Region 4 can provide assistance on developing a sampling and analysis plan, including appropriate target detection limits, for the contaminants of concern.

Based on the above observations, the EPA has determined that the project, as currently proposed, does not comply with the CWA Section 404(b) (1) Guidelines. The EPA finds this project may have substantial and unacceptable adverse impacts on an ARNI. Therefore, we recommend denial of the project, as currently proposed. The EPA recommends sampling and testing of sediments as outlined above before any dredging work is approved. This letter follows the field level procedures outlined in the August 1992 Memorandum of Agreement between the EPA and the Department of the Army, Part IV, paragraph 3(a) regarding Section 404(q) of the CWA.

Thank you for the opportunity to comment on this PN. If you have any questions regarding these comments, please contact Rosemary Hall (Hall.Rosemary@epa.gov or 404-562-9846), Doug Johnson (Johnson.Doug@epa.gov or 404-562-9386), or Jennifer Derby (Derby.Jennifer@epa.gov or 404-562-9401).

Sincerely,



James D. Giattina
Director
Water Protection Division

cc: ADEM, Montgomery – Aaron Peters
FWS, Daphne – Josh Rowell
ADCNR, Montgomery – Matthew Marshall
Alabama Rivers Alliance, Birmingham – Mitchell Reid
EPA Region 4, Superfund, Atlanta – Beth Walden, Charles King